

mail-in ballots in a State like Pennsylvania, you are eliminating absentee ballots, as well, by doing that.

So I don't think we want to do that to our fighting men and women. So we can't go back to the days when farmers and small business owners and veterans and busy moms juggling their kids' schedules and seniors who may have trouble voting and need another option to vote—we can't go back to those days when they couldn't vote if they didn't have the time on that one single day.

It is one of the reasons why we had such low voter turnout, even in Presidential elections, for all these years in Pennsylvania and in so many other States. So we know what we have to do. We have to go back to our founding principles. And voting is a foundational pillar of our democracy. And, as elected officials, it is our responsibility to do all we can to expand voter access and remove institutional barriers to voting.

But we have got to be clearer about what is happening. Our democracy, by virtue of these suppression bills, is under siege right now. The attack here on January 6 continues. What was a violent attack on that day is now in the form of legislation to attack our elections, to attack the right to vote, to make it harder to vote.

So attacking democracy at an earlier stage was always met by the right response. Today, that right response—the correct response—is to pass the Freedom to Vote and the John Lewis Act to prevent these kinds of attacks on voting rights.

It would protect election officials by criminalizing intimidation, threats, or coercion of election officials. It would mandate systematic, nonpartisan, risk-limiting audits to combat against the unfounded partisan approaches by Republicans.

It would create national standards for early voting, mail voting, voting restoration, voter identification, and voter registration. It would also include some of the provisions of my bill—the Accessible Voting Act—to create an accessible voting experience for every voter, ensuring that the needs of people with disabilities are met.

That is another category of Americans whose votes will be suppressed—people with disabilities—if these Republicans get their way.

This bill we are trying to pass reflects feedback from State and local officials to ensure that people responsible for implementing these reforms can do so effectively.

And, furthermore, it would restore the full strength of the Voting Rights Act of 1965 after the Supreme Court gutted several of the Voting Rights Act provisions in recent years.

These provisions work hand in hand to improve access to the ballot and protect against election subversion. We should restore the Senate at the same time, by allowing plenty of time for debate, as well as a robust amendment process, so the minority party in the

Senate has full opportunity to debate issues like voting rights.

So we have got to do more than just simply move a bill forward tomorrow on voting rights. We should also change the Senate rules appropriately to allow that bill to be passed by a majority after we have a robust debate. Debating voting rights has never been more important. The time to do that is now.

I yield the floor.

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Utah.

H.R. 5746

Mr. ROMNEY. Madam President, I have enjoyed the discussion which has been going on with regard to this legislation and have a couple of comments. One is, given the interest and the priority of and the importance of elections, it would have been helpful, prior to preparing this legislation for a vote, if those that were the drafters of this legislation actually invited a Republican—any Republican—to sit down and perhaps negotiate and see if we could find some common ground.

But instead, the Democrat leadership dusted off what they had written before on an entirely partisan basis and then are shocked—shocked—that Republicans don't want to support what they drafted.

Now, I note that political overstatement and hyperbole may be relatively common, and they are often excused. But the President and some of my Democratic colleagues have ventured deep into hysteria. Their cataclysmic predictions for failing to support their entirely partisan election reform—worked out entirely by themselves, without any input whatsoever from any single person on my side of the aisle—they are far beyond the pale.

Now, they are entirely right to call out Donald Trump's Big Lie about the last election being stolen. But in the same spirit of honesty, they should not engage in a similar lie that Republicans across the country are making it much harder for minorities to vote and, thus, that the Federal government must urgently displace centuries of constitutional practice that give States primary control over elections.

So dire are the consequences, they claim, that this must be done by shredding the rules of our senior legislative body. They point to Georgia as evidence of political election villainy. The President went there to deliver his crowning argument. But, as has been pointed out by many before me, it is easier for minorities—and everybody else for that matter—to vote in Georgia than it is in the President's home State of Delaware and in Leader SCHUMER's home State of New York.

In Georgia there are more days of early voting, and in Georgia there is no-excuse absentee voting by mail.

They do decry Georgia's prohibition of political activists approaching voters in line with drinks of water, but the

same prohibition exists in New York. And why? So that voters don't get harassed in line by poll activists.

Just like Georgia and New York, many States keep poll activists at length from voters. My Democrat colleagues conveniently ignore the fact that the 1965 Voting Rights Act prohibition of any voting practice or procedure that discriminates against minorities is still in effect. Even today, the Justice Department is suing two States under that law.

Protection of minority voting is already required by law. Protection of minority voting is a high and essential priority for me and for my Senate colleagues on both sides of the aisle.

To be clear, I want an election system that allows every eligible citizen in every State to be able to exercise their right to vote in every single election.

So, putting aside the hysteria, let me explain why I don't support the Democrats' bill. First, their bill weakens voter ID. I, along with a great majority of voters of all races, favor voter photo ID. Their bill makes it easier to cheat by accommodating unmonitored vote collection boxes. Their bill opens the gates to a flood of lawsuits pre- and post-election, and it weakens the safeguards of voter registration.

There are other things in the Democrats' bill that I don't support. I am not in favor of Federal funding for campaigns. I also don't think States should be required to allow felons to vote.

Most fundamentally, I think by reserving election procedures to the States, the Founders made it more difficult for a would-be authoritarian to change the law for voting in just one place—here in Washington—to keep himself in office.

Let me add that I think the Democrats' bill is insufficiently focused on the real threat, and that is the corruption of the counting of the ballots, the certification of elections, and the congressional provisions for accepting and counting a slate of electors. This is where the apparent conspirators were focused in their attempt in the last election to subvert democracy and prevent the peaceful transfer of power.

Now, I respect Democrats who disagree with my point of view. I hope they will offer me the same respect. People who want voter ID are not racists. People who don't want Federal funding of campaigns aren't Bull Connor. People who insist that vote drop boxes be monitored aren't Jefferson Davis.

The PRESIDING OFFICER. The Senator from California.

H.R. 5746

Mr. PADILLA. Madam President, just yesterday, we, the Nation, celebrated the moral vision and exceptional courage of the Reverend Dr. Martin Luther King, Jr.

Born and raised under the violent oppression of Jim Crow segregation, Dr.

King deeply felt the lasting wounds of slavery and segregation. Yet he believed in the promise of America's highest ideal: a system of democracy that we are all created equal; democracy that recognizes that we are all created equal.

In 1957, Dr. King told a crowd of civil rights leaders:

Our most urgent plea to the federal government is to guarantee our voting rights.

He went on to say:

Give us the ballot and we will creatively join in the freeing of the soul of America.

Time and again, from a bridge in Selma to the steps of the Lincoln Memorial, Dr. King and the civil rights movement collectively forced this country to confront the brutal injustice of White supremacy.

Dr. King kindled a movement of peaceful protests, of voter registration, and a legal revolution. His leadership helped secure the passage of the Voting Rights Act in 1965—a monument to freedom and a guardian of our multiracial democracy.

As important a step as that was, Dr. King also understood that the path of progress, the road to freedom, would not be linear, it would not be direct, and it would be threatened by setbacks. Recent years have illustrated just how right Dr. King was. The clock is turning back on voting rights, and far too many people both inside this Capitol and outside it are ignoring or denying the alarm bells.

To truly honor Dr. King, we must rededicate ourselves to the cause of freedom and equality. We cannot wait for a convenient season to act. We cannot wait for another Bloody Sunday. Look around. This is our moment. The threats to democracy today may look different than Bull Connor with the bullhorn, but they are no less real.

Now, when Republicans claim that this is all hyperbole or hysteria, as Senator ROMNEY just referenced, consider this: In the year since our Nation's most secure election ever, with record voter turnout, Republican State legislatures have passed 34 laws, not expanding access to the ballot, restricting access to the ballot and also threatening election security.

Just look at Georgia—yes, Georgia—where Republicans passed an elections bill, SB 202, on a purely partisan basis this last spring. In the 2020 election, Georgians voted in record numbers. Many voted by mail or used early voting options to be able to cast their ballots safely and securely in the midst of this once-in-a-century global health pandemic. Guess what happened. Those ballots were processed, counted, audited, and the results certified.

So how did Georgia Republicans respond? They wrote SB 202 to cut the number of early voting drop boxes in Atlanta by more than 75 percent to make it harder—not easier but harder—for voters who mistakenly go to the wrong polling place to cast their ballots and have their votes in statewide contests counted; to stop new vot-

ers from being able to register to vote in a runoff election if there is one. Now, make no mistake, Republicans will deny the intention, but the effect is clear: These changes disproportionately disenfranchise the votes and the voices of people of color.

When voters end up standing in line for hours to cast their vote on election day, as voters of color disproportionately do, SB 202 prevents volunteers from offering them food or water.

Now, Senator ROMNEY said that these provisions are in place to prevent the harassment of voters waiting to vote. Look at what other States have done. There is a clear distinction between somebody harassing a voter, interfering with the electoral process, versus offering a thirsty neighbor a drink. So outlaw harassment. I think it kind of is. The general public knows the distinction. So think about that—someone standing in line outdoors, with weather, for hours to do their patriotic duty, and Georgia Republicans make it a crime to give that person a bottle of water.

SB 202 isn't about election security or voter fraud. The data on that is clear. Voter fraud is exceedingly rare in Georgia and across the country. SB 202 is about erecting barriers for low-income voters, for voters of color, for younger voters to participate in our democracy.

As a member of the Senate Rules Committee, I traveled to Georgia last summer with my colleagues for a field hearing on voter suppression. Just last week, I was invited to join President Biden and Vice President HARRIS in Georgia as well. So when Minority Leader MCCONNELL tries to tell you that no State in America is making it harder to vote, he is wrong. The people of this country deserve to hear the truth, and not just from Georgia but in Texas, where a new law empowers partisan poll watchers to threaten election officials with lawsuits; in Arizona, where a new law will unnecessarily cut tens of thousands of voters—eligible voters—from the permanent early voting list.

Thirty-four new laws in this past year alone will raise obstacles for people who simply want to cast their ballot, and that is nothing to say of the hundreds more that have been proposed that will surely be reintroduced in future years and future sessions if we do not act.

The clock on Dr. King's victory is already turning back. The alarm bells of our democracy are ringing. They have been ringing since the year 2013, when the Supreme Court gutted the Voting Rights Act. Yes, it may still be in place, but the preclearance requirement—the strongest protection within the Voting Rights Act that stood to prevent discriminatory election laws for nearly five decades—was undone by the Supreme Court in their decision in *Shelby v. Holder*. Yet the Senate has failed three times this last year to even debate a voting rights bill. We failed to

debate because of the filibuster rule, which allows a minority of Senators to obstruct the voice of the American majority.

Republican Senators claim that our legislation, the Freedom to Vote Act, is partisan and divisive, but what goal could be more American than securing the fundamental right to vote for all eligible Americans?

If Republican Senators are sincere about opposing partisan changes to election laws, then they should join us in condemning partisan voter suppression in Georgia, in Texas, in Arizona, and across the country. Instead, Senate Republicans only complain about and obstruct our efforts here in the Senate to respond to these laws, and in doing so, they leave Democrats no choice. We must change the filibuster rule to protect voting rights for every American.

The Senate exists to serve American democracy, and the Senate rules exist to help the Senate serve American democracy. When those rules endanger our democracy, the answer is simple: We must change them.

It is not unprecedented. The Senate changed the filibuster in 1917 to protect our Nation from the threat of World War I. The Senate changed the filibuster in 1975 to try to restore the function of this body. In recent decades, the Senate has made more than 160 exceptions to the filibuster to do what is best for the Nation. Today, it is time for us to do so once again.

With all due respect to the history and the traditions of the Senate, our job is to protect the future of this country, beginning with our democracy. As Martin Luther King once told us, "America is essentially a dream, a dream . . . yet unfulfilled."

Today, it falls on each of us to take up Dr. King's lifelong struggle. This is our moment. This is our moment to debate. This is our moment to vote. We must work together to pass a voting rights law that secures the vote for every American regardless of race, religion, ability, or gender.

Sometimes progress requires that we change the rules, as we did last month when we changed the filibuster to protect our economy. Sometimes progress requires that one party act alone, as the courageous architects of the 15th Amendment did a century and a half ago.

Look around this Senate, and think how surprised the men who created the filibuster in the early 1800s would be to see a Senator WARNOCK, a Senator BALDWIN, myself, and others serving in this Chamber today, but change that strengthens our democracy is change for the better.

Colleagues, we must rise to meet this general moment of challenge in the spirit of Dr. King and pass these voting rights bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

H.R. 5746

Mr. KAINE. Madam President, one of the things that I sometimes regret about this body—and especially after hearing such an eloquent presentation from my colleague from California—is that we don't do enough dialogue here; it is a lot of monologues. Often, some of the best speeches that I have heard in this Chamber have been delivered to nearly empty Chambers because we don't sit and listen to one another, answer questions, engage, find the greater wisdom.

I am excited that tomorrow will give us an opportunity to do that. I expect 50—hopefully, 60, 70, 80, 90, 100—Senators on the floor for a discussion about voting rights, which we have not been able to have since I joined the Senate in January of 2013. This is an enormously important topic. We have not had a floor debate on any voting rights bill since I came to the Senate in 2013.

In this spirit of dialogue, I wanted to basically come and talk about Senate rules to respond to a question or a challenge that Republicans were making on the floor last week. They pointed out that I, along with a number of Democrats, had signed a letter in 2017, arguing, in their view, that we should not change the filibuster on legislation. They cited that, and they said: How can you stand on the floor now and contemplate changes to the filibuster rule?

So what I wanted to do tonight is come to the floor and talk about 2017, talk about things that have happened since 2017, and, frankly, explain why I haven't really changed the position that I articulated in the letter, but I have changed my views about whether the filibuster accomplishes the objective or cuts against it.

Finally, what I want to do at the end of that, of answering their question about that letter, is to reassure them—to reassure them that what we will reach for tomorrow is not a blowing up of the filibuster.

I heard my colleague from Alaska today say we wanted to blow up the filibuster. No. Let me reassure all Republicans that that is not what they are going to be asked to vote on tomorrow. They are going to be asked to restore the filibuster to what it was during the vast majority of the history of this body.

Here is the operant quote from the letter of 2017 that I signed. It was in April of 2017, shortly after the Republicans had changed the Senate rules to ram through Neil Gorsuch after they had refused to even entertain the nomination of Merrick Garland to the Supreme Court. It was a bipartisan letter. “We are united in our determination to preserve the ability of Members to engage in extended debate when bills are on the Senate floor”—“extended debate when bills are on the Senate floor.”

Well, what has happened since that letter was written in April of 2017?

First, those of us in the room know, as for extended debate on the Senate

floor, are you kidding? It almost never happens. The filibuster rule that some of us hoped might facilitate that has become an obstacle to it. In fact, you can't even get a bill on the Senate floor because the filibuster requirement, which was initially something about final passage, has been now imported even into proceeding to legislation. So when a majority of Members of the greatest deliberative body in the world decide they want to talk about a topic, they can't. It is like the 21st century's version of the gag rule, which prohibited discussions in Congress on items related to slavery during the 1830s and 1840s. There has been a gag rule prohibiting discussions of the voting rights bill and other civil rights legislation and other important priorities because you can't even get on the bill, much less have extended debate about it.

When you do get on the bill, how many bills around here do we have extended debate on? Mostly, we are in a Chamber like this, with three people, and there is no real debate that is going on because the abuse of the filibuster leads a party to say: Well, gosh, if they can't get 60 votes for something, we don't even have to show up. The old public filibuster of “Mr. Smith Goes to Washington” days has now turned to a secret, private filibuster where people can stay in their offices and never show their faces on the floor.

So that notion of naive Senators like me in 2017, wherein we are determined to preserve the ability of Members to engage in extended debate when bills are on the Senate floor, has been undermined by the filibuster by making it hard to get bills on the floor and then guaranteeing, when they are on the floor, that nobody needs to show up.

Other things have happened since 2017. I needn't go over them at length, but I will go over them.

I didn't imagine that we would have a President who would lead an assault on American democracy, who would lie and claim he won the popular vote in 2016 when he didn't, who would claim there was massive fraud in the Virginia election in 2016 when there wasn't, and who would go to a foreign country and try to dig up dirt on a political opponent he feared in 2020. I didn't imagine that those things would happen.

I didn't imagine that the President, having lost an election in November 2020, would encourage his followers to gather in DC to be wild. I didn't imagine that he would call the head of the Georgia elections and say: You have to find me thousands of votes so I can win. I didn't imagine those things.

I didn't imagine that there would be a violent attack here that would injure 150 police officers, that there would be an effort to disenfranchise 80 million Americans and disrupt the peaceful transfer of power. I didn't imagine those things.

I didn't imagine that States would do what my colleague from California has suggested: Look at what happened in

2020, embrace the Trump Big Lie, and decide then, boy, we have really got to carve this back. We have got to carve this back dramatically and make it harder for particular groups of people who live in particular cities or counties, based on whom they vote for, to vote. I didn't imagine those things.

I will tell you something else I didn't imagine. I didn't imagine that we wouldn't get any help from the Republican Party in addressing these problems. The Republican Party throughout most of its history has been a great voting rights party. The 14th Amendment and the 15th Amendment only passed with Republican votes to guarantee people equal access to the ballot. When the 19th Amendment was passed, guaranteeing women the right to vote, it was in a Democratic administration, the Wilson administration, but Republicans were solidly on board. When the 26th Amendment passed to give the franchise to 18-year-olds, it was in the Nixon administration, and Democrats and Republicans were on board.

The Republican Party, from its origins, right before Lincoln was President, was always on the march and, frankly, usually leading the march to expand people's ability to participate in voting. There is no example that is more dramatic than the passage of the 1965 Voting Rights Act.

There was a 60-day filibuster here on the Senate floor. At the end, it was broken. Republicans voted for the Voting Rights Act near unanimously. Democrats were strong but not as solid as the Republicans were. Then, over and over again in the years between 1965 and up through 2006, Republicans would vote unanimously or near unanimously to reauthorize the Voting Rights Act. But something changed between 2006 and 2013. Something changed at about the time that Barack Obama was elected President of the United States.

When the Supreme Court of the United States, in the Shelby case, gutted the preclearance provisions of the Voting Rights Act but told Congress “You can fix it” and we went back to all of the Republicans who had supported the Voting Rights Act from 1965 to 2006 and said “OK. The Supreme Court says here is what is wrong, and we can fix it,” we have not been able to find any—any—Republican support save LISA MURKOWSKI of this Chamber, who is a cosponsor of the John Lewis Voting Rights Act, the restoration of preclearance.

When I signed the letter in 2017, I could not have imagined that we could not have found any Republican support on any voting rights issue.

I heard my colleague from Utah, Senator ROMNEY, talk a second ago, and he said: Well, how come Democrats didn't do it? I started working with Republicans in July—months before we filed the Freedom to Vote Act. Could you do it this way? Could you do it that way? What about if we completely gave up the idea of any rule or filibuster reform. Would you then engage with us?